



Town of Hopkinton

330 Main Street • Hopkinton, New Hampshire 03229 • www.hopkinton-nh.gov

Tel: 603 746-3170

Fax: 603 746-2952

HOPKINTON ZONING BOARD OF ADJUSTMENT PLANNING BOARD MINUTES APRIL 1, 2014

Planning Board Chairman Bruce Ellsworth opened the joint Hopkinton Zoning Board of Adjustment and Planning Board meeting of Tuesday, **April 1, 2014, at 5:30 PM in the Hopkinton Town Hall**. Members of the Zoning Board of Adjustment present: Chairman Janet Krzyzaniak, Toni Gray, Daniel Rinden Charles Koontz and Gregory McLeod. Members of the Planning Board present: Timothy Britain, Celeste Hemingson, Cettie Connolly, Jane Bradstreet, George Langwasser, and Rich Steele.

I. Application(s).

#2014-3 Larry Hilton/Darlene Isabelle **Special Exception** and **Site Plan Review** to manufacture precision CNC (computer numerical control) machined products at property, and to allow future use of the existing office building for business/professional office(s). The property is owned by Eternal Solutions, LLC, located at 205 Pine Street in the M-1/B-1 districts, shown on Tax Map 221 as Lot 10. The application was submitted in accordance with Zoning Ordinance Table of Uses 3.6.G.1.

The hearing began with the Zoning Board of Adjustment first hearing the Applicant's request for Special Exception.

Larry Hilton representing Prototek Sheet Metal Fabrication addressed the Boards explaining the purpose of the application is to relocate Prototek's machine shop from 244 Burnham Intervale Road to 205 Pine Street. The machine shop consists of use of CNC equipment that is used for sheet metal fabrication.

Darlene Isabelle representing Prototek addressed the Boards presenting a photograph of a CNC machine and along with various parts that are created in Prototek's machine shop. She noted that the CNC machines are computer operated and are highly efficient in fabrication. The machines need to be in a temperature control environment and therefore the building is in the process of being insulated, heated and air conditioned. This should eliminate any potential for noise to be heard by abutters.

Mr. Hilton explained how the relocation of the machine shop will include approximately ten (10) employees. The facility will operate as it currently does which is 24-hours a day, seven days a week.

For the record, the Applicant's written response to the criterion for a Special Exception as outlined in Section XV of the Zoning Ordinance is as follows:

Adopted: 04/14/2014

1. Standards provided by this Ordinance for the particular use permitted by Special Exception.

"The property at 205 Pine Street is zoned B-1 (commercial) and M-1 (industrial). The building in which the CNC machines will be located is mostly located in both the B-1 and M-1 district as the zoning boundary passes through the building."

2. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.

"No, in 1988 the Town issued a permit for the previous business to construct an oil storage shed on the property. Then, in 1990, a business at the property was given permission to install a 1,000 gallon propane tank."

3. No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking areas, access ways, odor(s), smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.

"Prototek will maintain the property and create less traffic than when Steenbeke & Sons operated from the property or Storm's Fitness which was approved in 2008 to operate at the property."

There will be no noise, smoke, gas or dust related to the business. All material stored within the building."

4. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.

"No, the intentions are to relocate the machine shop and its employees from 244 Burnham Intervale Road to 205 Pine Street. Currently, those employees and pickup/delivers travel Pine Street to Burnham Intervale Road."

Traffic is anticipated to be less than that of a recreation establishment which was previously approved to operate at the property."

5. No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.

"There will be approximately ten (10) employees relocated; however, the septic system was approved for up to thirty (30) employees. The hours of operation will be 24-hours, seven days a week."

6. No significant increase of storm water runoff onto adjacent property or streets.

"There is no increase anticipated as the property will be used as it presently exists."

7. An appropriate location for the proposed use.

"Yes, CNC machining is quiet when operating. Again, there will be approximately ten (10) employees at the site with one truck per day entering the property for delivery of materials along with Prototek trucks for pick-up and deliveries."

8. Not affect adversely the health and safety of the residents and others in the area and not be detrimental to the use or development of adjacent or neighboring properties.

"Prototek will maintain the property in a manner so that no one from the street would know that the machine shop was operating at the property (exception, employees' vehicles, pick-ups/deliveries)."

9. In the public interest and in the spirit of the ordinance.

"Yes, Prototek is in need of additional space. It is anticipated that we will rent the building at 205 Pine Street and operate 24-hours, seven days a week with no effect on abutters."

Mr. Koontz inquired about hazardous materials that may be used in the operation of the business questioning what was in the 55-gallon drum shown in the photograph. In response, Mrs. Robertson and Mrs. Isabelle both noted that the photograph is of a CNC machine found on the internet. It does not represent Pototek's machine or property. Mr. Hilton stated that there are no hazardous materials used. In fact, the lubricant is a self-circulating water base that is non-toxic and biodegradable.

Mr. Rinden inquired as to whether the company presently works 24-hours a day at their Burnham Intervale property. Mrs. Isabelle responded yes, stating that Prototek's "niche" is their ability to offer quick turn precision fabrication and prototypes.

At this time, Mr. Hilton provided a written request for the Planning Board to waive the requirement for paved parking.

Planning Board member, Celeste Hemingson, questioned whether the Applicant would also need a Variance as the B-1 district runs through the property (building). In response, Mrs. Robertson explained how the Variance was considered, but due to the fact that a majority of the building that will house the CNC machines is located in the M-1 district, the Select Board took action to only refer the Applicant for a Special Exception as is required in the M-1 district.

Brief discussion ensued amongst members of the Board of Adjustment concerning the Select Board's interpretation of the Ordinance. As a result, Chairman Krzyzaniak advised the Applicant of the need for a Variance to operate in the B-1 (commercial) district.

Public testimony was opened.

Abutter Brian Cressy addressed the Board explaining that he has lived at his property for twelve (12) years and has seen the property at 205 Pine Street deteriorating. Mr. Cressy spoke in favor of the application, noting that he is happy to see that the property will be utilized.

Abutter Mark Stock addressed the Board as an abutter in favor of the application. Mr. Start stated that he is excited to see activity taking place at the property. He encouraged the Board to approve the application.

With no further comment, Chairman Krzyzaniak closed public testimony.

During deliberations, Mr. McLeod stated that if it weren't for the fact that the zoning boundary line divides the Applicant's building the Board could grant a Special Exception for use of the entire property; however, that is not the case.

Mr. McLeod moved to **APPROVE** the Applicant's request for Special Exception (#2014-3) for that portion of the property located in the M-1 (industrial) district and that the Applicant return to the Board for a Variance for that portion of their property located in the B-1 (commercial) district. Mrs. Gray seconded the motion. With five members voting, all five voted in favor (Koontz, Gray, Rinden, McLeod and Krzyzaniak). The Applicant satisfied all requirements to be granted a Special Exception in accordance with Section 15.8.2 of the Zoning Ordinance.

Mrs. Isabelle readdressed the Board asking that the Zoning Board of Adjustment meet before their next regular scheduled meeting due to the fact that Prototek has secured a substantial amount of money for the purchase of machinery that will be delivered the week of April 21st. Mrs. Isabelle stated the importance of having the machinery delivered and set-up at the Pine Street property, rather than delivered to Burnham Intervale and relocated to Pine Street. The size and importance of the type of machinery is such that it should not be moved once delivered. In response members of the Board agreed to meet on Monday, April 14th at 5:30 PM in the Town Hall to consider the request for Variance.

At this time, Chairman Ellsworth stated that the Planning Board will not act on the request for Site Plan Review given the fact that the Variance is necessary. Mrs. Robertson inquired about the Applicant's ability to utilize the business/professional office space. Following brief discussion, the Planning Board agreed that Site Plan Review for the office space is not necessary if the Applicant already has sufficient parking to accommodate the use. Mrs. Isabelle indicated that the parking already exists as the office space was formerly utilized by Venture Golf; however, it is her intentions to rent the space to one or multiple tenants.

With respect to Site Plan Review for the manufacturing portion of the facility, Mrs. Isabelle asked that the Planning Board meet jointly with the Zoning Board of Adjustment on April 14th. Following brief discussion, motion was made by Mr. Britain, seconded by Mrs. Bradstreet, to **CONTINUE** Application #2014-3 to a joint meeting of April 14th. Motion carried unanimously.

II. Review of the Zoning Board of Adjustment Minutes and Notice of Decision of March 4, 2014 and the Planning Board Minutes and Notice of Decision of February 11 and March 18, 2014.

Mrs. Gray, seconded by Mr. Rinden, moved to **APPROVE** the Minutes and Notice of Decision of March 4, 2014. Motion carried unanimously (Gray, Koontz, McLeod, Rinden and Krzyzaniak).

Review of the Planning Board Minutes and Notice of Decision was **DEFERRED** to a later date

III. Adjournment.

With no further business to come before the Boards, the meeting was **ADJOURNED** at 6:25 PM. The next scheduled meeting of the Boards is Monday, April 14, 2014, at 5:30 PM in the Town Hall.

Karen L. Robertson
Planning Director

Pursuant to New Hampshire RSA 677:2, any party to the action or proceedings, or any person directly affected thereby, may apply to the Zoning Board of Adjustment for a rehearing. Application, in writing, must be submitted to the Zoning Board of Adjustment within thirty (30) calendar days beginning the date upon which the Board voted to approve or disapprove the application. Such a request must set forth the grounds on which it is claimed the decision is unlawful or unreasonable. The Board must decide to grant or deny the rehearing within thirty (30) days.